

JOHN D. OSBORN
Carlsmith Ball LLP
Carlsmith Building, Capitol Hill
P.O. Box 5241
Saipan, MP 96950-5241
Tel No. (670) 322.3455

Attorneys for Defendant
Naina Enterprises (CNMI), Inc.
dba Alson's Store

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN MARIANA ISLANDS

MODESTA MANGLONA NADAR,

Plaintiff,

vs.

NAINA ENTERPRISES (CNMI), INC. dba
ALSON'S STORE

Defendant.

CIVIL ACTION NO. 07-0024

ANSWER OF DEFENDANT NAINA
ENTERPRISES (CNMI), INC. dba
ALSON'S STORE; DEMAND FOR JURY
TRIAL

Comes now Defendant Naina Enterprises (CNMI), Inc. dba Alson's Store, by and through its attorneys, Carlsmith Ball LLP and for its Answer to the Complaint of the Plaintiff states and avers as follows:

JURISDICTION AND VENUE

1. Defendant denies each and every, all and singular, the allegations of Plaintiff's Complaint except as same are hereinafter specifically admitted.

2. Paragraph 1 of the Complaint is admitted.

3. Paragraph 2 of the Complaint is admitted.

PARTIES

4. Paragraph 3 of the Complaint is admitted.

1 5. In answer to paragraph 4 of the Complaint it is admitted that Defendant is a
2 CNMI Corporation and operated Alson's Store on Rota, CNMI. The remaining allegations of
3 paragraph 4 are denied.

4
5 **FACTS**

6 6. In answer to paragraph 5 of the Complaint, Defendant is without sufficient
7 information to form a belief as to the truth of the allegations of said paragraph and therefore
8 same is denied.

9 7. In answer to paragraph 6 of the Complaint, Defendant is without sufficient
10 information to form a belief as to the truth of the allegations of said paragraph and therefore
11 same is denied.

12 8. In answer to paragraph 7 of the Complaint, Defendant is without sufficient
13 information to form a belief as to the truth of the allegations of said paragraph and therefore
14 same is denied.

15 9. In answer to paragraph 8 of the Complaint, Defendant is without sufficient
16 information to form a belief as to the truth of the allegations of said paragraph and therefore
17 same is denied.

18 10. In answer to paragraph 9 of the Complaint, Defendant is without sufficient
19 information to form a belief as to the truth of the allegations of said paragraph and therefore
20 same is denied.

21 11. In answer to paragraph 10 of the Complaint, Defendant is without sufficient
22 information to form a belief as to the truth of the allegations of said paragraph and therefore
23 same is denied.

24 **FIRST CAUSE OF ACTION**
25 **(Violation of Title VII - Americans with Disabilities Act)**

26 12. In answer to paragraph 11 of the Complaint, Defendant realleges and incorporates
27 herein its responses to paragraphs 1 through 10 hereinabove set forth.
28

1 13. Paragraph 12 of the Complaint contains no factual allegations to which a response
2 is required. To the extent that such paragraph attempts to state a claim against Defendant, same
3 is denied.

4 14. Paragraph 13 of the Complaint contains no factual allegations to which a response
5 is required. To the extent that such paragraph attempts to state a claim against Defendant, same
6 is denied.

7 15. Paragraph 14 of the Complaint contains no factual allegations to which a response
8 is required. To the extent that such paragraph attempts to state a claim against Defendant, same
9 is denied.

10 16. Paragraph 15 of the Complaint contains no factual allegations to which a response
11 is required. To the extent that such paragraph attempts to state a claim against Defendant, same
12 is denied.

13 17. Paragraph 16 of the Complaint is admitted.

14 18. Paragraph 17 of the Complaint is admitted.

15 19. Paragraph 18 of the Complaint states a legal conclusion and contains no factual
16 allegations to which a response is required. To the extent that such paragraph attempts to state a
17 claim against Defendant, same is denied.

18 20. Paragraph 19 of the Complaint states a legal conclusion and contains no factual
19 allegations to which a response is required. To the extent that such paragraph attempts to state a
20 claim against Defendant, same is denied.

21 21. Paragraph 20 of the Complaint states a legal conclusion and contains no factual
22 allegations to which a response is required. To the extent that such paragraph attempts to state a
23 claim against Defendant, same is denied.

24 22. Paragraph 21 of the Complaint is denied.

25 23. Paragraph 22 of the Complaint states a legal conclusion and contains no factual
26 allegations to which a response is required. To the extent that such paragraph attempts to state a
27 claim against Defendant, same is denied.
28

1 24. Paragraph 23 of the Complaint states a legal conclusion and contains no factual
2 allegations to which a response is required. To the extent that such paragraph attempts to state a
3 claim against Defendant, same is denied.

4 25. Paragraph 24 of the Complaint states a legal conclusion and contains no factual
5 allegations to which a response is required. To the extent that such paragraph attempts to state a
6 claim against Defendant, same is denied.

7 26. Paragraph 25 of the Complaint is denied.

8 27. Paragraph 26 of the Complaint is denied.

9 28. Paragraph 27 of the Complaint is denied.

10
11 **SECOND CAUSE OF ACTION**
 (Negligence)

12 29. In answer to paragraph 28 of the Complaint, Defendant realleges and incorporates
13 herein its responses to paragraphs 1 through 27 hereinabove set forth.

14 30. Paragraph 29 of the Complaint states a legal conclusion and contains no factual
15 allegations to which a response is required. To the extent that such paragraph attempts to state a
16 claim against Defendant, same is denied.

17 31. Paragraph 30 of the Complaint is denied.

18 32. Paragraph 31 of the Complaint is denied.

19 33. Paragraph 32 of the Complaint is denied.

20 34. Paragraph 33 of the Complaint is denied.

21 35. In answer to paragraph 34 of the Complaint, Defendant is without sufficient
22 information to form a belief as to the truth of the allegations of said paragraph and therefore
23 same is denied.

24 36. In answer to paragraph 35 of the Complaint, Defendant is without sufficient
25 information to form a belief as to the truth of the allegations of said paragraph and therefore
26 same is denied.

FURTHER ANSWER OF DEFENDANT

Comes now Defendant Naina Enterprises (CNMI), Inc. dba Alson's Store, by and through its attorneys, Carlsmith Ball LLP and for its further Answer to the Complaint of the Plaintiff states and avers as follows:

1. Plaintiff fails to state a claim upon which relief can be granted.

2. Defendant denies that it was in any manner responsible for Plaintiff's claimed injuries. The proximate cause of Plaintiff's claimed injuries was the negligence of Plaintiff herself and therefore Plaintiff's claims are barred or diminished by the affirmative defenses of contributory negligence and/or comparative fault.

3. To the extent that same maybe applicable as revealed through discovery, Defendant alleges the applicability of the affirmative defenses of assumption of risk and failure to mitigate damages.

4. Defendant reserves the right to amend its Answer to allege such further and additional affirmative defenses as may be revealed through discovery.


WHEREFORE, Defendant prays that Plaintiff take naught by her Complaint filed herein, that the costs of this action be assessed to Plaintiff and for such other and further relief as the Court deems just and equitable in the premises.

JURY DEMAND

Defendant hereby demands that this matter be tried to a jury.

CARLSMITH BALL LLP

DATED: Saipan, MP, August 23, 2007.



JOHN D. OSBORN
Attorneys for Defendant
Naina Enterprises (CNMI), Inc.
dba ALSON'S STORE